UN

UNITED NATIONS

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Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/32
7 June 1996

ENGLISH
Original: Arabic/English

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Item 6 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Note verbale dated 21 May 1996 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of Iraq to the United Nations Office and other international organizations at Geneva presents its compliments to the Centre for Human Rights and has the honour to enclose herewith a study entitled "Some facts concerning the use of radioactive weapons by the coalition forces and their effects on the environment and the population in Iraq".

The Permanent Mission of Iraq should be grateful if the said study could be circulated as an official document of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under agenda item 6.

Some facts concerning the use of radioactive weapons by the coalition forces and their effects on the environment and the population in Iraq

It is now common knowledge that, in their attack on Iraq following the events that took place in Kuwait in August 1990, the coalition forces used internationally prohibited weapons of mass destruction. Accordingly, in this paper we do not intend to elaborate on those forces' violations of the established principles of international humanitarian law, particularly the right to life, in spite of the serious nature of this issue in so far as it constitutes a flagrant violation of human rights, nor do we intend to speak of the intensive and unjustified bombardment of all areas of Iraq, including towns and villages situated at a great distance from the battlefields, which proved highly detrimental to the economic, social and cultural rights of the Iraqi people. Iraq has already provided details of those violations during previous sessions of the Commission on Human Rights. However, almost five years after the war of aggression which was launched against Iraq, alarming facts are coming to light concerning the extremely dangerous effects of the use of radioactive weapons on the environment and the population. This applies in particular to projectiles made from depleted uranium, these being weapons that are internationally prohibited under the terms of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. In fact, weapons and munitions of this type cause unjustifiable pain and suffering to both the civilian population and the belligerents and are an expression of hatred and of a desire to engage in random destruction and slaughter bordering on genocide, which the international community regards as a prohibited act the perpetrators of which must be punished. Their use also constitutes a flagrant and gross violation of human rights.

In a letter (DS/S/SS 0692/94M dated 6 December 1994) addressed to the British Member of Parliament Sir David Steel, Malcolm Rifkind, the British Minister of Defence, admitted that depleted uranium had been used by the British forces in order to improve their ability to confront Iraqi armoured vehicles. In that letter, the Minister of Defence also stated that, in their armoured units and A-10 aircraft, the United States forces had used much larger quantities of depleted uranium than the British forces. In his letter, the British Minister of Defence acknowledged that depleted uranium shells could disperse small quantities of toxic radioactive substances when they impacted on a hard surface and those substances posed a health hazard if they were inhaled or ingested. However, he thought that it was improbable that persons other than those targeted by such shells would be exposed to sufficient quantities of those substances to endanger their health. In his letter, the British Minister of Defence claimed that those shells had been used in sparsely populated desert areas and that the direct and immediate danger, namely the dust produced by those shells, dissipated rapidly, although the hazards arising from contact with destroyed vehicles remained. He claimed that the residual hazards in both Iraq and Kuwait were considered to be limited.

In this connection, in its edition published on 10 April 1995, the newspaper Le Monde Diplomatique quoted William M. Arkin, President of the Washington-based Institute for Science and International Security, as saying that the number of 30mm rounds containing 300 grammes of depleted uranium fired by A-10 aircraft amounted to 940,000, while the number of 120mm shells containing 1 kg. of depleted uranium fired by tanks amounted to 4,000, in the light of which the total amount of uranium dropped on Iraq and Kuwait could be estimated at about 300 tonnes. That newspaper also quoted the confidential report submitted by the United Kingdom Atomic Energy Authority to the British Government in November 1991, which stated that "there will be specific areas in which many rounds would have been fired where localized contamination of vehicles and the soil may exceed permissible limits and these could be hazardous to the local population". According to that report, the real danger arose from the inhalation of air-borne particles of uranium dust produced when depleted uranium shells hit and burned out armoured vehicles since, when the shell impacted, a large proportion of its metallic mass was pulverized and the resulting fine air-borne particles, which were toxic to the kidneys and contained radioactive substances that were dangerous to the lungs, could easily be swallowed. That newspaper article indicated that a programme broadcasted by NBC in February 1994 had reviewed two cases of possible contamination by depleted uranium. The first case was that of Sergeant Daryll Clark, who recalled that his unit had been in the vicinity of Iraqi tanks when A-10 aircraft destroyed them with 30mm shells. His young daughter had been born after the war with a tumour of the gall bladder and without a thyroid gland. The second case was that of nurse Carol Picou, whose medical unit had also been caught in the smoke billowing from those Iraqi tanks. According to Thomas Calendar, the physician treating her, her case was very similar to that of persons who had ingested radioactive substances. The newspaper affirmed that the United States army had admitted that depleted uranium could be dangerous. It was impossible for it to conceal from the public the fact that it had repatriated 29 vehicles hit by rounds of that type in order to decontaminate them on United States territory, where 35 soldiers had thus been exposed to radiation.

In addition to the above-mentioned facts, research has also been conducted by three American specialists (Grace Bukowski, Damacio Lopez and Fielding McGehee from three American institutions: the Rural Alliance for Military Accountability, the Progressive Alliance for Community Empowerment and Citizen Alert) on the use of depleted uranium by the United States Department of Defense during the attack on Iraq by the 30-member coalition. Their research confirmed that depleted uranium rounds had been used, for the first time in the history of modern warfare, during the Gulf war and countless Iraqi soldiers had been killed either directly by depleted uranium shells or as a result of exposure to their radiation. They estimated that 50,000 Iraqi children had probably died during the first eight months of 1991 from various diseases, including cancer, kidney failure and previously unknown internal diseases, caused by the use of depleted uranium. In this connection, the researchers noted that, according to the United States Department of Defense, an unspecified number of American soldiers had been wounded and burnt when they were struck by uranium-contaminated shrapnel and others had died as a result of inhaling uranium when their tanks were burnt. In this context, the researchers stated that the fission of a depleted uranium atom produced gamma rays that led to radiation exposure. They also indicated that the reluctance

of Governments, particularly the United States of America, to study and publicize the hazardous effects of the use of depleted uranium was attributable to their desire to avoid having to pay compensation to the victims of radiation exposure, since the use of that type of uranium led to a wide variety of health hazards and incurable diseases, ranging from cancer to kidney failure, respiratory disorders, congenital abnormalities, skin diseases and other obscure, unknown and fatal diseases. When uranium oxide entered the lungs, it remained there for long periods of time and, consequently, reduced the capacity of the lungs by half and led to their functional paralysis and total collapse of the respiratory system within one year or more. The continued presence of uranium oxide particles in the lung tissue caused continuous swelling therein as long as the affected person remained alive. With the passage of time, affliction with lung cancer became highly probable, if not certain. Their research showed that a single tank carried 50,000 lbs. of uranium-contaminated rounds, that the quantities of ammunition used by the aircraft and tanks of the United States and its allies were large enough to ensure that their hazards and damage were not confined to the battlefield but extended into areas at a great distance therefrom, and that the largest quantity of uranium fallout could be found in Iraqi territory. They added that the quantities of depleted uranium used and consumed by United States and British aircraft and tanks in their battle against Iraq had never been made public and remained classified as "confidential information". They emphasized that, according to the report of the United Kingdom Atomic Energy Authority, the real danger arose from the uranium dust produced when depleted uranium shells hit and burned out Iraqi armoured vehicles, dispersing a large number of very small particles of uranium oxide which were carried by the winds over great distances and, on entering the respiratory system, caused lung cancer. The researchers quoted a telegram from the Munitions and Chemical Command addressed to Colonel Landri, one of the field commanders in the war, which stated as follows:

Please take the following information into consideration:

1. Any appliance containing and firing depleted uranium should be considered to be contaminated.

2. Any appliance that is attacked with depleted uranium should be considered to be contaminated.

3. No one should enter contaminated appliances before ascertaining that they have been decontaminated.

4. Protective gloves should be worn when handling bodies that are suspected of being contaminated by depleted uranium.

Teams of Iraqi specialists were formed to conduct a specialized study comprising measurements of radioactivity in areas of military operations. They also carried out such measurements and surveys of destroyed armoured and other motorized vehicles (including those that had been damaged and withdrawn to repair locations) and took soil samples to measure their level of contamination. The conclusive material evidence obtained by these teams proved that the coalition States had used radioactive weapons against the Iraqi armed forces, particularly their armoured and mechanized units. The

spectroscopic analysis of the environmental samples taken from inside destroyed armoured vehicles, as well as some other environmental samples from the northern areas of Rumaila, Artawi and the border and demilitarized zones, proved that the radioactive contamination resulted from the use of warheads made of depleted uranium since some of the samples taken from inside destroyed armoured vehicles in those areas were found to be highly radioactive and the laboratory tests of the environmental samples taken from the areas studied showed very high concentrations of uranium 238.

The competent Iraqi authorities also formed specialized teams from medical and other scientific research institutions to conduct medical and scientific field and clinical research and surveys concerning the effects on human health of the use of radioactive weapons by the coalition forces in the war against Iraq. Unusual pathological cases have appeared in Iraq, as illustrated by the abnormal increase in the incidence of cancer of the blood, the lungs, the digestive system and the skin, and there has also been a notable increase in the incidence of congenital diseases and foetal deformities, such as the presence of additional abnormal organs, hydrocephaly, anencephaly, eye diseases and even the total absence or deformity of eyes. Cases of abnormal mongoloid twin births have appeared, in addition to skeletal abnormalities, congenital syndromes and chromosomal trisomies, as well as unexplained cases of falling hair and rare skin diseases among persons affected by, or living in the vicinity of areas affected by, the bombardments. There has been an increase in the number of persons afflicted with attacks of epidemic vertigo and severe vertigo accompanied by nausea and loss of balance, and also in the number of patients afflicted with attacks of distorted vision and loss of sight in part of the eye, accompanied by severe migraine, in addition to unexplained cases of sterility among both sexes and an increase in the incidence of miscarriages and of still, premature and difficult births.

The large-scale use of these militarily unjustifiable weapons contradicts the affirmations of the coalition States to the effect that the weapons that they used were conventional and that the war was a clean war.

The use of these weapons resulted in the mass slaughter of individuals, due to the highly destructive nature of the rounds, and the contamination of persons outside the theatre of military operations due to the toxicity of the radioactive substance used, as well as the strange and unprecedented pathological symptoms with which they were afflicted. Moreover, the widespread contamination of the environment was not confined to the areas bombarded; it extended to the water, soil and air, thereby adversely affecting human and animal health in the short and long terms.

Iraq believes that the States which used those weapons should be held responsible under international humanitarian law for the serious effects on public health and the environment in Iraq and for the human suffering to which not only the present generation but also future generations will be subjected as a result of their use.